

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

UNITED STATES OF AMERICA

V.

DAVID DEVIDO

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NO. 4:15-CR-00015(1)

NOTICE OF DEFENDANT DEVIDO TO DESIGNATE EXPERT WITNESS

TO THE HONORABLE KENNETH M. HOYT, UNITED STATES DISTRICT JUDGE

Pursuant to Rule 16(G) F.R.C.P., and Rules 702, 703, and 705 of the FED. RULES OF EVIDENCE, DeVido files this Notice to designate expert witness. The following witness is expected to be called as an expert in the trial of this cause. A summary is provided of the testimony DeVido intends to use in its case-in-chief -

Webb Jones
5022 Briscoe Street
Houston, Texas 77033-3642

Mr. Jones is expected to offer testimony that he is a Registered Pharmacist, and Assistant Professor in Pharmacy Practice at Texas Southern University. Mr. Jones has a Bachelor of Science in Pharmacy from Florida A&M University, Masters of Public Health from the University of Texas, and holds a law degree from Texas Southern University. Mr. Jones' legal practice focuses on representing pharmacists before the Texas Board of Pharmacy. Mr. Jones will give expert testimony regarding the education, training, and practice of pharmacists, including testimony regarding the pharmacist-patient relationship, and the professional responsibilities of pharmacists, including, but not limited, to the "corresponding responsibility of

pharmacists” to ensure that the investigation into patient compliance and prescribing physician practices that pharmacists are expected to initiate under rules of professional responsibility governing Texas pharmacists. Based on review of evidence in this case, including, but not limited to, his review of PAT records, Mr. Jones will offer an opinion on whether DeVido complied with Texas rules and regulations governing pharmacists, and whether he fulfilled his corresponding obligation to ensure that prescriptions for controlled substances were issued for medically necessary purposes, and in the course of prescribing physicians’ practices.

Mr. Jones is prepared to render an opinion about whether factors, such as the distance patients travel to a physician for pain management, the similarity of prescriptions, dosage patterns across patients, and frequency and number of prescriptions for oxycodone or hydrocodone, and lack of insurance, permit conclusions about whether prescriptions have been issued for medically necessary purposes and in the course of prescribing physicians’ practices.

Respectfully submitted,

HILDER & ASSOCIATES, P.C.

/s/ James G. Rytting

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ATTORNEYS FOR DAVID DEVIDO

CERTIFICATE OF SERVICE

I hereby certify that on June 27, 2016, a true and correct copy of the above and foregoing *Notice to Designate Expert Witness* was served on all counsel of record via ECF, certified mail, return receipt requested, facsimile, electronically, or hand delivery.

/s/James G. Rytting
James G. Rytting